

Appendix B

United States Courts
Southern District of Texas
FILED

OCT 25 2021

Nathan Ochsner, Clerk of Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
_____ DIVISION

INA BEAL

versus

Houston Police Dept
1200 Travis
Houston, Texas 77002

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§
§
§
§

CIVIL ACTION NO. _____

ORIGINAL COMPLAINT

Appendix A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
DIVISION

United States Courts
Southern District of Texas
FILED

OCT 25 2021

Nathan Ochsner, Clerk of Court

INA Beall

versus

Houston Police Department
1200 TRAVIS
HOUSTON, TEXAS 77002

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CIVIL ACTION NO. _____

EMPLOYMENT DISCRIMINATION COMPLAINT

1. This action is brought under Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is conferred by Title 42 United States Code, Section § 2000e-5.

2. The Plaintiff is:

INA BEALL

Address:

14430 LORNE DR.HOUSTON, TEXAS 77049

County of Residence:

HARRIS

3. The defendant is:

Houston Police Department

Address:

1200 TRAVISHOUSTON, TEXAS 77002

Check here if there are additional defendants. List them on a separate sheet of paper with their complete addresses.

4. The plaintiff has attached to this complaint a copy of the charges filed on _____

with the Equal Opportunity Commission.

5. On the date of 6th August 2021, the plaintiff received a Notice of Right to Sue

letter issued by the Equal Employment Opportunity Commission; a copy is attached.

6. Because of the plaintiff's:

- (a) ☐ race
- (b) ☐ color
- (c) ☐ sex
- (d) ☐ religion
- (e) ☐ national origin,

the defendant has:

- (a) ☐ failed to employ the plaintiff
- (b) ☐ terminated the plaintiff's employment
- (c) ☐ failed to promote the plaintiff

(d) ☒ other: to fully investigate the IAD complaint
filed against Rene Calderon, William McPherson,
David Simmons, ask HPP officials to look at
WITNESSES statement.

7. When and how the defendant has discriminated against the plaintiff:

It started from 2015 to 2019 by Rene Calderon displaying
disparate in the workplace, harassment, favoritism,
intimidation, and my disability, by not allowing me to do

8. The plaintiff requests that the defendant be ordered:

- (a) ☐ to stop discriminating against the plaintiff
- (b) ☐ to employ the plaintiff
- (c) ☐ to re-employ the plaintiff
- (d) ☐ to promote the plaintiff

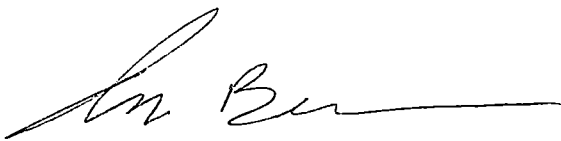
Ina Beall

Charge No.: 460202000383

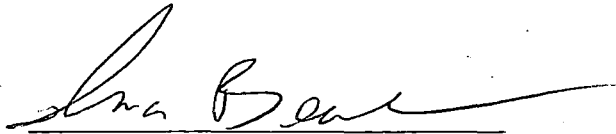
Closure date: 6th August 2021

#7 Question/Answer Continued,

What was instructed of me to do by my physician.

A handwritten signature in black ink, appearing to read "Ina Beall", followed by a long horizontal line extending to the right.

- (e) ☒ to Release the Time Stamp IAD
Complaint, along with all witness
statements, filed by Complainant and that;
- (f) ☒ the Court grant other relief, including injunctions, damages, costs and attorney's fees.


(Signature of Plaintiff)

Address: 14430 LORNE DR.
HOUSTON, TEXAS 77049

Telephone: 832-605-6928

EEOC Form 161 (11/2020)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Ina L. Beall**
14430 Lorne Dr
Houston, TX 77049

From: **Houston District Office**
Mickey Leland Building
1919 Smith Street, 7th Floor
Houston, TX 77002

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2020-00383

Araceli Castillo,
Investigator

(346) 327-7721

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Araceli M. Castillo

For

08/06/2021

Enclosures(s)

Rayford O. Irvin,
District Director

(Date Issued)

cc:

Don Fleming
Section Chief, Labor, Employment & Civil Rights
CITY OF HOUSTON
900 Bagby, 3rd Floor
Houston, TX 77002

Lowell Keig, Executive Director
TWC-Civil Rights Division
101 East 15th Street, Room 144-T
Austin, TX 78778-0001

• Enclosure with EEOC
Form 161 (11/2020)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
the Genetic Information Nondiscrimination Act (GINA), or the Age
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope or record of receipt, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was issued to you** (as indicated where the Notice is signed) or the date of the postmark or record of receipt, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10 – not 12/1/10** -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

Enclosures(s)

cc: **Deidra A. Norris Sullivan**
City of Houston Legal Department
PO Box 368
Houston, TX 77001

My name is Ina Beall

Charge No.: 460202000383

Closure date: 6th August 2021

Address: 14430 Lorne Dr.

Houston, Texas 77049

Home/Cell Phone: 832-605-6928

Rene Calderon violated my rights by displaying disparate in the workplace, harassment, intimidation, retaliation, and not allowing me to do what was instructed by my physician due to my disability.

I have endured this awful and terrifying treatment from Rene Calderon from June 2015 to October 2019.

I adhere to the Houston Police Department General Orders, Policies and Procedures. I have reported Rene Calderon actions on several occasions to the ERC and ADR representatives and my previous Sergeant.

I presented this information and I do not feel or it appeared they did a full investigation. I also presented this information and I do not feel or it appeared they looked at all my evidence.

A handwritten signature in black ink, appearing to read "Ina Beall". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ina Beall

Charge No.: 460202000383

Closure date: 6th August 2021

Address: 14430 Lorne Dr.

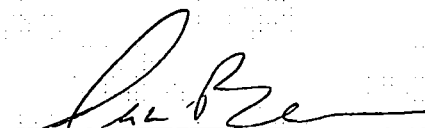
Houston, Texas 77049

Home/Cell. Phone: 832-605-6928

The court has jurisdiction because it resides in Harris County, Texas.

A handwritten signature in black ink, appearing to read 'Ina Beall', with a long horizontal flourish extending to the right.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="text-align: right;"> 460-2020-00383 </div> </div>	
Texas Workforce Commission Civil Rights Division and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.): Ms. Ina L. Beall		Home Phone (Incl. Area Code) (832) 605-6928	Date of Birth
Street Address 14430 Lorne Dr, Houston, TX 77049		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF HOUSTON		No. Employees, Members 500 or More	Phone No. (Include Area Code)
Street Address 1200 Travis St, Houston, TX 77002		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; flex-wrap: wrap;"> <div style="margin-right: 10px;"><input type="checkbox"/> RACE</div> <div style="margin-right: 10px;"><input type="checkbox"/> COLOR</div> <div style="margin-right: 10px;"><input type="checkbox"/> SEX</div> <div style="margin-right: 10px;"><input type="checkbox"/> RELIGION</div> <div style="margin-right: 10px;"><input type="checkbox"/> NATIONAL ORIGIN</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> RETALIATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> AGE</div> <div style="margin-right: 10px;"><input checked="" type="checkbox"/> DISABILITY</div> <div style="margin-right: 10px;"><input type="checkbox"/> GENETIC INFORMATION</div> <div style="margin-right: 10px;"><input type="checkbox"/> OTHER (Specify)</div> </div>		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 06-30-2015 10-20-2019 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I. On or around June 30, 2015, my new Desk Sergeant began subjecting me to a hostile work environment. Respondent is a city. I work as Senior Police Service Officer in their Police Department. II. Rene Calderon, Desk Sergeant, a Hispanic male, mistreated me by not allowing me to take care of city business on city time, refused to make corrections to my hours worked in KRONIOS, refusing to assign me overtime, etc. In 2017, he began giving me a hard time about my disability by refusing the accommodation of being allowed to get up every 2-3 hours to alleviate pain as had been granted to me by FMLA. On May 9, 2019, I filed an IAD complaint against Calderon in which I also mentioned that he was not accommodating my disability. On October 4, 2019, ADR was unable to help me as they stated that my IAD complaint against Calderon was still pending. However, on October 20, 2019, I received a letter from IAD stating that Calderon had filed a complaint against me for conduct, behavior, and insubordination. I believe that Calderon is retaliating against me for complaining about disability discrimination.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY – When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Oct 25, 2019  Date Charging Party Signature			

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

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FEPA

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EEOC

460-2020-00383**Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

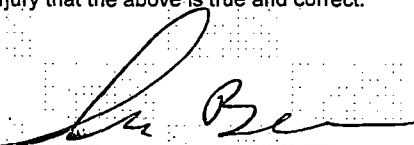
III. I believe that I have been discriminated against because of my disability, and retaliated against, in violation of the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 25, 2019

Date



Charging Party Signature

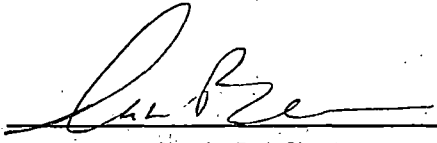
NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

EEOC Form 5 (11/09)

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Name (indicate Mr., Ms., Mrs.) Ms. Ina L. Beall		Home Phone (Incl. Area Code) (832) 605-6928	Date of Birth
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Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name CITY OF HOUSTON		No. Employees, Members 500 or More	Phone No. (Include Area Code)
Street Address City, State and ZIP Code 1200 Travis St, Houston, TX 77002			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.		NOTARY - When necessary for State and Local Agency Requirements I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Oct 25, 2019 Date		 Charging Party Signature	

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To:

Agency(ies) Charge No(s):

☐

FEPA

☒

EEOC

460-2020-00383**Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

III. I believe that I have been discriminated against because of my disability, and retaliated against, in violation of the Americans with Disabilities Act of 1990, as amended.

Amendment

This charge is amended to state that on February 17, 2020, I received a letter from Respondent stating I was recommended for termination. Respondent also advised me that I will be suspended two days prior to my pre-disciplinary meeting.

Mr. Ben
Charging Party

Feb 24, 2020
Date

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Oct 25, 2019

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)